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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

JIMMIE G. BILES, JR., MD,

Plaintiff

v.

JOHN H. SCHNEIDER; and MEDPORT,  
LLC,

Defendants

CAUSE NO. 19-CV-48-F

**MEDPORT'S REPLY BRIEF TO BILES'  
RESPONSE BRIEF IN OPPOSITION TO  
MEDPORT'S MOTION FOR STAY OF  
PROCEEDINGS**

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JOHN H. SCHNEIDER,

Counter-Claimant

v.

JIMMIE G. BILES, JR.,

Counter-Defendant

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COMES NOW Defendant Medport, LLC ("Medport"), by and through counsel of Granite Peak Law, PLLC ("Granite Peak"), hereby submits this reply brief to Plaintiff Biles'

**I. ARGUMENT**

**A. LOCAL RULE 7.1 WAS RENDERED MOOT BY PLAINTIFF BILES' FILING AND  
THE LANGUAGE OF THE LOCAL RULE**

Plaintiff Biles alleges that counsel for Medport failed to meet and confer under Rule 7.1(b)(1)(A), L.C.R.D.C. Counsel for Biles fails to mention that they *already opposed* Schneider's

request for a stay [Doc. 42] in their Reply to Schneider's Response to Biles' Motion to Dismiss Schneider's First Amended Counterclaim [Doc. 41], rendering moot the meet and confer requirement for Medport's Motion for Stay, if this requirement is indeed applicable.

In their Reply, Biles unequivocally asks this Court to "deny Mr. Schneider's request for a stay." See *Doc. 42*, pg. 4. Biles then goes on to argue that granting a stay would allow Schneider to benefit from his imprisonment and noted that although Schneider "may have fewer resources that [sic] might otherwise be available to a non-incarcerated *pro se* litigant," he must still prosecute his own counter-claim in timely manner. *Id.*

Given that Medport's sole member is Schneider, and Schneider has decided to proceed *pro se*, it appears all the more superfluous to meet and confer when Biles was both in opposition to the stay at the time of Medport's Motion and Rule 7.1(b)(1)(A) provides that this "provision shall not apply to cases involving *pro se* parties." This is a case involving a *pro se* party, so it appears to Medport that Rule 7.1(b)(1)(A) is inapplicable in this circumstance. Far from being "inexcusable," a fair reading of Rule 7.1(b)(1)(A) in the present circumstances makes Medport's position imminently justifiable. Accordingly, Medport requests that this court find that this Local Rule is either inapplicable because of Schneider appearing *pro se* or moot because of Biles' opposition to Schneider's request for a stay at the time of Medport's filing.

**B. MEDPORT'S PAGE LIMIT HAS BEEN CORRECTED**

Counsel for Biles also faults Medport's Memorandum in support of its Motion for Stay for failing to follow the ten-page limit set forth in Rule 7.1(b)(1)(C), L.C.R.D.C. See [Doc. 52], pg. 6. Counsel for Medport has corrected his oversight and has attached to this Reply an updated Memorandum in support of its Motion for Stay, to replace the one filed at Docket #46, that meets the ten-page limit. Medport does not believe the Certificate of Service applies to the page limit referenced in this Local Rule.

Respectfully submitted this 25th day of July, 2019.

/s/ Gregory G. Costanza

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Certificate of Service

I hereby certify that on the 25th day of July 2019, a copy of the foregoing document was served on the following persons via CM/ECF:

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